

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 675 - HB 888

March 15, 2021

**SUMMARY OF ORIGINAL BILL:** Authorizes, rather than requires, clerks to charge a fee of \$100 for proceedings related to expunction.

Authorizes persons eligible to petition for expunction for 2 different Class E felonies, 33 different Class D felonies, 26 different Class C felonies, 22 different Class B felonies, and 18 different Class A felonies.

Removes the provision that those persons convicted of a Class E felony must have been sentenced to no more than three years to be eligible for expunction.

Alters the time elapsing requirements since completion of sentencing to 5 years for a misdemeanor or Class E felony, 10 years for a Class D or C felony, and 15 years for a Class B or A felony.

Requires the court that denies a petition to state in writing its reasons.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue - \$141,200/FY21-22 and Subsequent Years

**SUMMARY OF AMENDMENT (004783):** Deletes and replaces all language after the enacting clause, such that the only substantive changes are:

- (1) Removes two Class C felony offenses from eligibility for expunction;
- (2) Authorizes the district attorney general to file evidence related to the petition of expunction under seal for review by the court, which is confidential and not a public record; and
- (3) Excludes a person from eligibility for expunction if he or she was convicted of an offense involving the manufacture, delivery, sale, or possession of a controlled substance and at the times of the offense held any driver license, including a commercial driver license, and the offense occurred within a commercial motor vehicle.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Increase Local Revenue - \$135,900/FY21-22 and Subsequent Years**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), the clerk shall charge a fee of \$100 for proceedings related to a violation of probation any post-judgment actions or expungements.
- This legislation would authorize a clerk to charge up to \$100 rather than require it. It is assumed that no clerks will forsake or reduce the fee, as doing so would be a loss of local revenue.
- Public Chapter 200 of 2019 removed the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses and the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program.
- Utilizing information provided by the Administrative Office of the Courts, the fiscal impact related to expunction fees has been determined using numerous and complex calculations. These calculations have been omitted from this fiscal note for the purpose of brevity. However, the calculations used for determining the following fiscal impact are on file with Fiscal Review Committee staff and can be provided upon request.
- The proposed legislation will result in an increase in local government revenue of \$135,900 in FY21-22 and subsequent years.
- Any increase in workload to the courts can be accomplished within existing resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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